

REMARKS

Claims 1-18 are pending in the Application. Claims 11-13 are rejected under 35 U.S.C. 103 (a), and claims 1-10 and 14-18 are objected to.

Objections

The Examiner objects to claims 1-10 because of informalities in claim 1. Specifically the Examiner objects to the lack of a proper antecedent for the phrase "indicated rate" in claim 1. Claim 1 has therefore been amended to overcome this objection.

The Examiner also objects to claims 14-18 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, by this amendment, claims 14-18 have been rewritten in independent form and are presented as new claims 19-23.

Claim Rejections under 35 USC 103

The Examiner has rejected claims 11-13 under 35 U.S.C. 103 (a) as being unpatentable over Yin (U.S. patent no. 5,982,748). In particular the Examiner asserts that Yin teaches the method of claim 11 without a request for bandwidth from an end user and that it would have been obvious to one skilled in the art for and that the request for a specific level of bandwidth could be provided by an end user. Applicants respectfully disagree with the Examiners assertions and traverse this rejection as follows.

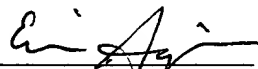
Yin et al. discloses a system that controls the admission of a connection request based on available system resources in a network environment. The connection requests are submitted by the control system that controls the admission of connection requests received by nodes in a network commonly referred to as Connection Admission Controllers (CACs). The CaCs define the set of actions or rules to be followed by the network nodes to determine the whether a new connection should be accepted or rejected.

In the method disclosed in Yin, the system specifies the class of service requested and available resources for that system specified class are determined based on measured traffic flow and the allocated bandwidth associated with the specified class. In contrast thereto, the present invention discloses a method wherein a specified Quality of Service level is provided on demand by an end user. This allows an end user to selectively choose the rate (and cost) at which data is to be sent from a mobile station in a CDMA system for example. As noted by the Examiner in paragraph 3.0 of the Office Action, the interaction of an end user with the network to determine the Quality of Service level (and therefore the cost) is simply not present in Yin et al. and contrary to the Examiner's assertions Yin does not teach or suggest the interaction of an end user with a network to determine the Quality of Service. Accordingly, the present invention is not obvious in view of Yin, and claims 11-13 are allowable.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on May 4, 2004, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below. No fees are anticipated by this response. However if there are any fees due, please charge any such fees to our deposit account No. 50-0653 and reference the attorney docket number listed above.

Respectfully,



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